



Legislation on Bullying

Background

Bullying is found in many settings, including the schools, the workplace, organizations, and social groups. This I-CAN report focuses exclusively on bullying in schools and the legislative initiatives it has compelled. School bullying is an aggressive verbal or physical behavior committed by a child or group of children to intimidate, harass, or harm a child or group of children.

National Legislation Overview

In 2002, President George W. Bush signed into law the No Child Left Behind Act. A part of this act was the Safe and Drug-Free Schools and Communities Act which, among other initiatives, provides federal grants for school programs that “prevent violence in and around schools.”¹

Since then, two pieces of legislation have been proposed in the House of Representatives, H.R. 284 (2005) to amend the above Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs² and H.R. 3692 (2003) Bully Prevention for School Safety and Crime Reduction Act of 2003. Both bills were referred to, and remain, in

¹ Iowa Department of Education

² THOMAS, Library of Congress, <http://thomas.loc.gov/cgi-bin/thomas>.

subcommittees. Since 1994, 19 states have enacted state legislation on bullying and students harassment.

Iowa Legislation Overview

Governor Tom Vilsack has encouraged the legislature address bullying and a pledge has by Senators Mike Gronstal (D-Council Bluffs) and Mary Lundby (R-Marion) to take action when lawmakers return next year.³ Currently, 327 of Iowa’s 361 public school districts have policies containing statements against school bullying of varying strength.⁴

Many school districts have defined policies against harassment, not bullying. Harassment is defined as “verbal or physical contact imposed on the basis of race, color, creed, religion, gender, national origin, or disability that denies, limits, or provides different aid, benefits and services, or conditions the provision of aid, benefits, services or treatment which are protected under the law.”⁵ The Iowa Department of Education provides helpful samples of both harassment and bullying policies districts can adopt to apply for federal grants.

Legislation Specifics

Similarly, state legislative initiatives outline action against bullying with varying strengths. Some legislation passed by the 19 states share similar characteristics. Each piece of legislation addresses at least one of the following bullying-related aspects: defining bullying, mandating that school districts or state boards of education require policies, exempting employees from civil liability in instances of bullying, or defining specific protections for gay and lesbian students who are the victims of bullying. Figure 1 summarizes what each state legislative initiative encompasses⁶.

Figure 1

	A	B	C	D	E
Arkansas			YES	YES	
California		YES			YES
Colorado	YES		YES		
Connecticut		YES		YES	
Georgia	YES				
Illinois			YES		
Louisiana			YES		
Mississippi		YES			
Nevada			YES		
New Hampshire			YES	YES	
New Jersey			YES	YES	
Oklahoma	YES		YES		
Oregon			YES		

³ “Vilsack pushes for anti-bullying law,” Sioux City Journal, 11 October 2006, <http://www.siouxcityjournal.com/articles/2006/10/11/news/iowa/af3050f8910cc615862572040007b450.txt>.

⁴ Ibid.

⁵ Iowa Department of Education

⁶ Links for full text of legislation can be found online at National Conference of State Legislatures’ website, <http://www.ncsl.org/programs/educ/SchBullyingLegislation.htm>.

Rhode Island	YES		YES	YES	
Tennessee		YES		YES	
Vermont*	YES	YES	YES		YES
Virginia		YES		YES	
Washington	YES				
West Virginia			YES	YES	

- A: Provides a definition of bullying
- B: Requires state school board to define policies on bullying
- C: Requires each school district to define policies on bullying
- D: Exempts school employees from civil liability in instances of bullying⁷
- E: Defines specific protections for gay and lesbian bullying victims

*Legislation in 1994 required school districts to develop policies relating to bullying and harassment. New legislation in 2004 required the state Commissioner of Education to review and update the policies of each school district.

Conclusion

Iowa is one of 31 states that have no state laws defining and/or outlining punishment for bullying. However, many individual school districts in Iowa have enacted anti-bullying policies that reflect what other states have done legislatively.

This report was prepared in November, 2006 by the Iowa Civic Analysis Network (I-CAN), a non-partisan public policy research undergraduate group at the University of Iowa. For additional research on this or other issues, please visit our website at <http://www.uiowa.edu/~ican> or contact us at studorg-i-can@uiowa.edu

⁷ Specifically, a person who in good faith either intervenes in an instance of abuse, makes a child abuse report, or cooperates in the assessment of such a report is immune from any civil or criminal liability that might otherwise arise in connection with the report.